

ORDINANCE NO. 23-153

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY PRECISION PAVING, INC. OF MILAN, OHIO, FOR THE 2023 LOCAL STREET RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2023 Local Street Resurfacing Project involved the resurfacing with asphalt overlay of many of the worst street segments in the City, based on a variety of factors, such as: street survey data compiled in 2015, segments that are not eligible for other outside funding, age of existing asphalt surface, local roads, traffic volumes, recent neighborhood and park improvements, completed or planned capital improvements, existing planning documents, etc., and encompasses 27 street segments totaling 2.6 centerline miles of road, and depending on the condition of the street, the work may include milling and possibly excavation to address structural problems in the pavement, and also includes Alternate Bid A (Ogontz Street to Cleveland Road to Fifth Street), Alternate Bid C (Reclaimite surface sealer) and Alternate Bid E (Fire Station #7 parking lot / driveway); and

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2023 Local Street Resurfacing Project by Resolution No. 010-23R, passed on February 27, 2023; and

WHEREAS, the City Commission approved the awarding of the contract to Precision Paving, Inc. of Milan, Ohio, for work to be performed for the 2023 Local Street Resurfacing Project by Ordinance No. 23-089, passed on April 10, 2023; and

WHEREAS, this First & Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor; and

WHEREAS, the original contract with Precision Paving, Inc. of Milan, Ohio, was \$761,363.90, and with the **deduction** of this First & Final Change Order in the amount of \$23,401.07, the final contract cost is \$737,962.83 and will be paid entirely with American Rescue Plan Act (ARPA) Stimulus Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to make payment to the contractor for work already performed and to close out the completed project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the 2023 Local Resurfacing Project and to **deduct** from the contract amount the sum of Twenty-Three Thousand Four Hundred One and 07/100 Dollars (\$23,401.07) resulting in the final contract cost of Seven Hundred Thirty-Seven Thousand Nine Hundred Sixty-Two and 83/100 Dollars (\$737,962.83) with Precision Paving, Inc. of Milan, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: July 24, 2023